

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Renzer Bell

Plaintiff,

-against-

Charles Gray,

Defendant.

Case No.: 20 CV 01588(JPC)(SLC)

**AFFIDAVIT IN SUPPORT OF EQUITABLE
DEMAND FOR ENTRY OF DEFAULT
AGAINST THE DEFENDANT CHARLES
GRAY**

STATE OF NEW YORK)
COUNTY OF NEW YORK) SS.:

Renzer Bell, makes the following affirmation under the penalties of perjury:

I, Renzer Bell, am Plaintiff in the above titled action, and respectfully move this Court to issue an Order, pursuant to the Order of Service issued by Hon. United States District Judge Lorna G. Schofield identified as docket no. 5, the Amended Order of Service issued by Hon. United States District Judge John P. Cronan identified as docket no. 40, Federal Rules of Civil Procedure 4, 5(b)(2)(B)(i), 6, and 55, and Local Civil Rule 55.1, granting the Plaintiff Pro Se Entry Of Default against the defendant Charles Gray, and granting such other, and further relief as the Court deems just, and equitable.

The reasons why I am entitled to the relief I seek are the following:

- 1) The Plaintiff is informed and believes, and based thereon avers that the instant action was commenced by filing the Complaint with the Pro Se Intake Unit on, or around February 19, 2020, and the docketing of the Complaint on February 24, 2020.
- 2) The Plaintiff is informed and believes, and based thereon avers that Hon. United States District Judge Lorna G. Schofield issued an Order identified as docket no. 5 instructing service of process of the Summons, and Complaint to be performed by the United States Marshall Service.
- 3) The Plaintiff is informed and believes, and based thereon avers that the Order issued by Hon. United States District Judge Lorna G. Schofield identified as docket no. 5, the Amended Order of Service issued by Hon. United States District Judge John P. Cronan identified as docket no. 40, Federal Rules of Civil Procedure 4, 5(b)(2)(B)(i), 6, and 55, and Local Civil Rule 55.1 form the legal, and procedural basis

for the service of process of the Amended Summons, and Complaint by the United States Marshall Service upon the defendant Charles Gray in the instant action.

4) The Plaintiff is informed and believes, and based thereon avers that the defendant Charles Gray is not an infant.

5) The Plaintiff is informed and believes, and based thereon avers that the defendant Charles Gray does not currently serve in the United States military.

6) The Plaintiff is informed and believes, and based thereon avers that the defendant Charles Gray is not an incompetent person.

7) The Plaintiff is informed and believes, and based thereon avers that docket no. 41 evinces diligent, and procedurally sufficient service of the Amended Summons, and Complaint upon the defendant Charles Gray.

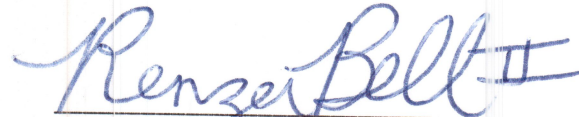
8) The Plaintiff is informed and believes, and based thereon avers that the defendant Charles Gray has failed to plead or otherwise defend the instant action.

9) That by reason of the aforementioned docket no. 41, the plain language of the Orders issued by Hon. United States District Judge Lorna G. Schofield identified as docket nos. 5, and 25, the plain language of the Order issued by Hon. United States District Judge Lorna G. Schofield identified as docket no. 40, Federal Rules of Civil Procedure 4, 5(b)(2)(B)(i), 6, and 55, and Local Civil Rule 55.1, the Plaintiff Pro Se respectfully seeks leave of the Court for Entry of Default against the defendant Charles Gray by the Clerk of Court with immediate effect.

WHEREFORE, the Plaintiff respectfully seeks leave of this Court for an Order, pursuant to the Order of Service issued by Hon. United States District Judge Lorna G. Schofield identified as docket no. 5, the Amended Order of Service issued by Hon. United States District Judge John P. Cronan identified as docket no. 40, Federal Rules of Civil Procedure 4, 5(b)(2)(B)(i), 6, and 55, and Local Civil Rule 55.1, granting the Plaintiff Pro Se Entry Of Default against the defendant Charles Gray, and granting such other, and further relief as the Court deems just, and equitable.

I declare under penalty of perjury that the foregoing statements are true and correct.

Affirmed on the 20th day of May, 2021


Renzer Bell

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Renzler Bell

Plaintiff,

-against-

Charles Gray,

Defendants.

Case No.: 20 CV 01588(JPC)(SLC)

CLERK'S CERTIFICATE OF DEFAULT

I, RUBY J. KRAJICK, Clerk of the United States District Court for the Southern District of New York, do hereby certify that this action commenced on February 24, 2020 with the docketing of a Summons and Complaint, a copy of the Amended Summons and Complaint was served on the defendant Charles Gray pursuant to Orders Numbered 35, 36, and 37 issued by Hon. United States District Judge John P. Cronan, the Amended Order of Service issued by Hon. United States District Judge John P. Cronan identified as docket no. 40, Federal Rules of Civil Procedure 4, 5(b)(2)(B)(i), 6, and 55, and Local Civil Rule 55.1 premised upon the delivery of the Amended Summons, and Complaint to the defendant Charles Gray's place of business, and employ located at Yonkers KIA, 1850 Central Park Avenue, Yonkers, New York 10710 by the United States Marshall Service, and the defendant Charles Gray's colleague, and **Sales Manager** Mike Romano's acceptance of the Amended Summons, and Complaint on behalf of the defendant Charles Gray on, or around March 2, 2021, and proof of such service thereof was docketed on March 11, 2021 as docket no. 41.

I further certify that the docket entries indicate that the defendant has not filed an answer or otherwise moved with respect to the Complaint herein. The default of the defendant Charles Gray is hereby noted.

Dated: New York, New York
May 20, 2021

RUBY J. KRAJICK
Clerk of the Court

By: _____
Deputy Clerk